

Idaho State Law
ID Code

Chapter 33 - Firearms, Explosives
and Other Deadly Weapons

18-3302. Issuance of licenses to carry concealed weapons. [* * * Contact your state authority for details.] * * * *

18-3302A. Sale of weapons to minors. It shall be unlawful to directly or indirectly sell to any minor under the age of eighteen (18) years any weapon without the consent of the parent or guardian of the minor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not in excess of one thousand dollars (\$1,000) by imprisonment in the county jail for a term not in excess of six (6) months, or by both such fine and imprisonment. As used in this section, **"weapon"** shall mean any * * * pistol, revolver, gun, or any other dangerous weapon.

18-3302E. Possession of a weapon by a minor.

(1) It shall be unlawful for any person under the age of eighteen (18) years to possess or have in possession any weapon, as defined in section 18-3302A, Idaho Code, unless he:

(a) Has the written permission of his parent or guardian to possess the weapon; or

(b) Is accompanied by his parent or guardian while he has the weapon in his possession.

(2) Any minor under the age of twelve (12) years in possession of a weapon shall be accompanied by an adult.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor.

18-3302F. Prohibition of possession of certain weapons by a minor.

(1) It shall be unlawful for any person under the age of eighteen (18) years to possess or have in possession any handgun.

(2) Except as provided by federal law, a minor under the age of eighteen (18) years may not possess the following:

(a) A sawed-off rifle or sawed-off shotgun; or

(b) A full automatic weapon.

(3) Any person who violates the provisions of subsection (2)(a) of this section is guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (2)(b) of this section is guilty of a felony.

(5) For purposes of this section:

(a) **"Full automatic weapon"** means any firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than one (1) bullet, or other missile without reloading, by a single function of the trigger.

(b) **"Handgun"** means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, de-

tachable, or magazine breech, does not exceed twelve (12) inches. Excluded from this definition are handguns firing a metallic projectile, such as a B.B. or pellet, through the force of air pressure, CO2 pressure, or spring action or any spot marker gun.

(6) Any person who provides a handgun to minor when the possession of the handgun by the minor is a violation of the provisions of this section is guilty of a misdemeanor.

18-3302G. Exceptions. The provisions of section 18-3302E, Idaho Code, regarding the possession of a weapon by a minor or section 18-3302F, Idaho Code, regarding possession of handguns by minors shall not apply to any of the following:

(1) Patrons firing at lawfully operated target concessions at amusement parks and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;

(2) Any person in attendance at a hunter's safety course or a firearm's safety course;

(3) Any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;

(4) Any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;

(5) Any minor under eighteen (18) years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of the law;

(6) Any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; and

(7) Any person traveling to or from any activity described in subsection (2),(3),(4),(5) or (6) of this section with an unloaded firearm in his possession.

18-3308. Selling explosives, ammunition or firearms to minors. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen (16) years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two (22) caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

18-3316. Unlawful possession of a firearm.

(1) A person who previously has been convicted of a felony and shall be imprisoned in the state prison for a period of time not to exceed five (5) years and by a fine not to exceed five thousand dollars (\$5,000).

(2) For the purpose of subsection (1) of this section, "convicted of a felony" shall include a person who has entered a plea of guilty, nolo contendere or has been found guilty of any of the crimes enumerated in section 18-310, Idaho Code, or to a comparable felony crime in another state, territory,

commonwealth, or other jurisdiction of the United States.

(3) For the purpose of subsection (1) of this section, "firearm" shall include any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable.

(4) Subsection (1) of this section shall not apply to a person whose conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.

Chapter 54 - Records Checks For Transfers of Handguns

19-5401. Legislative intent. It is the intent of the legislature to establish a state-designed procedure that will provide an alternative to the general requirements of the Brady handgun violence prevention act (Public Law 103-159, 103d Congress) for local and state records checks before transfer of a handgun. * * * * The act will better serve the interests of the citizens of this state while fulfilling the basic purposes of the federal act.

19-5402. Definitions. As used in this chapter:

(1) **"Department"** means the Idaho department of law enforcement.

(2) **"Firearms dealer"** means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer of firearms issued by the United States department of treasury.

(3) **"Handgun"** means:

(a) a firearm that has a short stock and is designed to be held and fired by the use of a single hand, or

(b) Any combination of parts from which a firearm described in paragraph (a) of this section can be assembled.

(4) **"Statement of intent"** means ATF form 5300.35 (statement of intent to obtain a handgun(s)) or an equivalent form prescribed by regulations administered by the bureau of alcohol, tobacco and firearms of the United States department of treasury for compliance with the Brady handgun violence prevention act.

(5) **"Transfer"** and the various derivatives thereof shall include the sale, delivery or other transfer of a handgun.

(6) **"Working day"** means each day except Saturday, Sunday or a legal state holiday.

19-5403. Transfer of a handgun - Records Check. No firearms dealer shall transfer any handgun unless the dealer has:

(1)(a) Obtained a completed statement of intent from the potential buyer or transferee and inspected proof of identity presented by the buyer to verify information provided on the form;

(b) Requested, by means described in this chapter, that the department conduct a records check; and

(c) Obtain a unique approval number from the department and has recorded the date and approval number on the statement of intent; or

(2) Been presented with a license to carry concealed weapons which was issued to the potential buyer pursuant to section 18-3302, Idaho Code, and issued after March 22, 1995; or

(3)(a) Obtained a completed statement of intent from the potential buyer or transferee and inspected proof of identity presented by the buyer to verify information provided on the form;

(b) Furnished a copy of the statement of intent to the county sheriff of the county of residence of the potential buyer; and

(c) Waited five (5) working days and has not received notice from the county of residence of the potential buyer; and

19-5404. Dealer identification number - Fee.

(1) A firearms dealer must obtain annually a dealer identification number from the department to be eligible to request the records check required in section 19-5403(2), Idaho Code. The dealer identification number is confidential and shall be used for requesting a records check only by the firearms dealer to which it is assigned. If the confidentiality of the number is compromised or the dealer's address or place of business changes, the firearms dealer shall notify the department. * * * *

19-5405. Proof of identity. To establish proof of identity as required in section 19-5403(1), Idaho Code, a potential buyer or transferee shall present a photo identification issued by a governmental agency. The photo identification, which may be, but is not limited to, an Idaho driver's license, shall include the transferee's name, date of birth and residence address.

19-5406. Statement of intent transmittal. The firearms dealer shall maintain the original copy of the statement of intent as required by federal regulations administered by the bureau of alcohol, tobacco and firearms. The firearms dealer shall mail a duplicate copy of the completed statement of intent to the department within five (5) working days after:

(i) Requesting the records check for a prospective buyer whose records check results in the issuance of a nonapproval number as described in section 19-5409(2), Idaho Code, and

(ii) Transferring a handgun without an approval or disapproval number as permitted in sections 19-5409(3) and 19-5410, Idaho Code.

19-5407. Toll-free telephone number. The director of the department shall establish a toll-free telephone number for the purpose of responding to requests for criminal history records checks from firearms dealers required under the provisions of this chapter. * * * *

19-5408. Records check. Upon receipt of a request for a records check, the department shall immediately review its records, those of the federal bureau of investigation, national crime information center (NCIC), interstate identification index; records made available by the Idaho department of health and welfare; and any other applicable and accessible and accessible records to determine if the buyer or transferee is prohibited from receiving or purchasing a handgun under state or federal law.

19-5409. Response. The department shall provide its response to the request-

ing dealer immediately or by return call. The response may be:

- (1) A unique approval number indicating that the potential buyer or transferee is not prohibited from receiving a handgun; or
- (2) A unique disapproval number indicating that the potential buyer or transferee is prohibited from receiving a handgun; or
- (3) If the records are incomplete so as to preclude a determination that the purchaser or transferee is disqualified from obtaining a handgun, the department may have up three (3) working days to obtain this information. By the close of business at the end of the third working day following the request without regard to whether the dealer has received a reply from the department, the dealer may complete the transaction and shall not be deemed in violation of this chapter with respect to such transaction. * * * *

19-5410. Delay. In the event of schedules computer downtime, electronic failure, or similar emergency beyond the control of the department, the department shall immediately notify the dealer of the reason for, and estimated length of, such delay. After such notification, the department shall, in no event later than the end of the next working day after such notification, either inform the requesting dealer that its records demonstrate that the buyer is prohibited from purchasing a handgun pursuant to state and federal law or provide the dealer with a unique approval number. Unless notified by the end of the next working day that the transfer is prohibited, and without regard to whether the dealer has received a unique approval number, the dealer may complete the transfer and shall not be deemed in violation of this law with respect to such transaction.

19-5413. Wrongful request - Wrongful dissemination. Any firearms dealer or any other person who willfully and intentionally requests a records check from the department for any purpose other than compliance with this act, or willfully and intentionally disseminates any records information to any person other than the subject of such information shall be guilty of a misdemeanor.

19-5414. False statement - False identification. Any person who, in connection with the transfer of attempted transfer of a firearm pursuant to this chapter, willfully and intentionally makes any materially false oral or written statement or willfully and intentionally furnishes or exhibits any false identification intended or likely to deceive a firearms dealer shall be guilty of a misdemeanor.

19-5415. Wrongful transfer. Any firearm dealer who willfully and intentionally transfers a handgun in violation of the provisions of this section or uses another firearms dealer's identification number to request a records check shall be guilty of a misdemeanor.

19-5416. Wrongful purchase or receipt. Any buyer or transferee who obtains a handgun for the purpose of transferring it to a person who is prohibited from possession of a firearm by Idaho or federal law shall be guilty of a felony.

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19-5419. Exemptions. This act does not apply to any of the following:

(1) Transfers of any handgun (including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1898;

(2) Transfers of any replica of a handgun described in subsection (1) of this section, if the replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition, or uses rimfire conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

(3) Transfer of any handgun between persons who both hold valid federal firearm license;

(4) Transfers of any handgun to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the transfers are made on behalf of an employing agency for official law enforcement purposes.

31-800. Counties (Powers).

31-872. Regulation of firearms - Control by state. No board of county commissioners of any county may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of the state of Idaho.

50-300. Municipal Corporations (Powers).

50-343. Regulation of firearms - Control by state. No city may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of the state of Idaho.